



**FRANK A. VALVERDE**

PARTNER

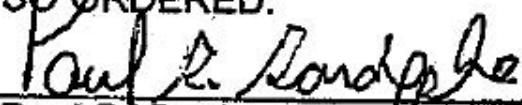
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## MEMO ENDORSED

**The Application is granted.**

SO ORDERED:

  
\_\_\_\_\_  
Paul G. Gardephe, U.S.D.J.

Dated: March 31, 2020

### VIA ECF FILING

Honorable Paul G. Gardephe  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

Re: *The Travelers Indem. Co. v. Harleysville Ins. Co., et al.*,  
Case No.: 18-cv-600 (PGG)  
RR file no.: 4584-413

Your Honor:

We represent plaintiff, The Travelers Indemnity Company (“Travelers”), in this declaratory judgment action (“DJ”). Due to a typographical error in a date in a prior letter motion, we submit this supplemental letter motion requesting an extension of time to **May 4, 2020** to file a motion for costs and an accounting. Defendant, Harleysville Insurance Company of New York (“Harleysville”), has consented to this request.

Pursuant to the Court’s March 19, 2020 Order (“Order”) granting summary judgment to Travelers, Harleysville had and has a primary and non-contributory duty to defend Genesys Engineering, PC, the City University of New York, Herbert H. Lehman College and the State of New York (“Underlying Defendants”) in two related underlying bodily injury actions. As such, Harleysville is liable for the past fees, costs and expenses (collectively, “Costs”) that Travelers incurred in defending the Underlying Defendants. *See* Order at fn 8.

Given the Order holding Harleysville had a duty to defend the Underlying Defendants, there is no dispute that Travelers is entitled to reimbursement of its Costs incurred defending the Underlying Defendants. The Court instructed Travelers to brief the issue of the Costs and to seek an accounting of the Costs by April 2, 2020 “to the extent that the parties dispute these issues”. The Costs have been submitted to Harleysville and are being reviewed. The parties are optimistic that any issues over the Costs can be amicably resolved. Accordingly, we respectfully request an

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March 30, 2020  
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extension of time until **May 4, 2020**, to move for the Costs and an accounting, if necessary. This extension of time is also necessitated by delays caused by the coronavirus as the parties and their counsel are working remotely with minimal support staff. Harleysville has consented to this request.

We thank the Court for its attention to this matter.

Very truly yours,

RIVKIN RADLER LLP

/s/  
Frank A. Valverde

cc: Jeffrey Rubinstein, Esq (for Harleysville) (Via ECF)